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Fifty-first session
Item 33 of the preliminary list*
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fifty-first year

Letter dated 12 March 1996 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government and further to our earlier letters concerning repeated Israeli attacks on southern Lebanon and the western Bekaa, I have the honour to notify you of a series of such attacks that took place during February 1996.

1 February 1996

The town of Rshaf, which is in the area between the border strip and the liberated areas, was subjected to harassment by Israeli forces and Lahad forces bringing pressure to bear on its inhabitants, as set forth hereunder.

2 February 1996

A group from the Lahad militia told the inhabitants of Rshaf that they must proceed every day at 1700 hours to the houses adjacent to the Lahad headquarters and sleep there until the following morning, and it imposed a curfew on the town during the same period.

The inhabitants were prevented from entering or leaving the town.

Lists of the names of residents of Rshaf and frequent visitors to the town were drawn up by the Lahad militia and presented to the Israeli forces.

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* A/51/50.

A Lahad force proceeded to encircle the town and to arrest a number of residents. They were taken to the Baranit crossing at Rumaysh and were there questioned by an Israeli officer who asked them, in the interests of their own safety, to help the Lahad militia and to inform it of all movements by resistance elements in Rshaf.

3 February 1996

The vicinity of Majdal Zun and Mansuri, in the Tyre district, came under Israeli artillery bombardment.

4 February 1996

The Israeli gunboats on station off the Mansuri coast in the Tyre district seized a fishing boat called Al-Ghadir (No. 1006), with the following Lebanese on board: Usamah Tawfiq al-Samra, Wisam Tawfiq al-Samra and Zayn Ahmad Istanbuli.

5 February 1996

The vicinity of Junayh, Izziyah al-Qalilah and Mansuri, in the Tyre district, came under Israeli artillery bombardment in which Amirah Muhammad Musa Khashshab (35) was killed and Mervat Ali Isma'il (27) was injured.

6 February 1996

At 1500 hours Israeli warplanes overflew the Iqlim al-Tuffah area.

At 1715 hours the hills to the south of Ayn al-Tinah and Mashgharah came under Israeli artillery bombardment.

At 2030 hours the vicinity of Bra'shit, Tibnin, Haddatha and Ayta al-Jabal came under Israeli artillery bombardment.

7 February 1996

At 0630 hours the vicinity of Kafr Tibnin and Nabatiyah al-Fawqa and the area around the abandoned Lebanese Army barracks came under Israeli artillery bombardment.

At 0700 hours Israeli forces and Lahad forces shelled the vicinity of Mashgharah and Ayn al-Tinah.

At 1200 hours Israeli forces fired flares in the direction of the fishing boats off the Mahallat al-Ma'liyah beach at Tyre.

At 2230 hours Israeli warplanes overflew Mashgharah, Ayn al-Tinah and Maydun.

12 February 1996

Israeli warplanes overflew the Tyre area.

14 February 1996

The vicinity of Jba' and Kafr Fila came under Israeli artillery bombardment.

The vicinity of Habbush and Kafr Rumman and the abandoned Army barracks in Nabatiyah al-Fawqa came under Israeli artillery bombardment.

15 February 1996

At 1045 hours and again between 1240 and 1300 hours Israeli warplanes overflew the Tyre area at medium altitudes.

16 February 1996

At 0515 hours the vicinity of Majdal Zun came under artillery bombardment and bursts of fire from Israeli forces.

At 0600 hours Kafra, Yatar, Haris, Haddatha, Shaqra, Ayta al-Jabal, Tibnin, Bra'shit, Majdal Silm, Tulin, Qabrikha, Frun and Ghanduriyah came under Israeli artillery bombardment.

At 0700 hours the hills of Mashgharah and Ayn al-Tinah came under Israeli artillery bombardment.

At 0730 hours the vicinity of Kafr Tibnin, Jarju', Jba', Arabsalim, Ayn Bu Siwar, Nabatiyah al-Fawqa and the area around the Army barracks there, the Habbush bridge and the Ayn Bu Siwar-Jarju' highway came under Israeli artillery bombardment.

At 2100 hours a number of artillery shells fired from positions occupied by Israeli forces and Lahad forces fell in the vicinity of Jun and Muhtadarah in the Shuf district.

At 2200 hours the hills of Mashgharah and Ayn al-Tinah came under Israeli artillery bombardment.

At 2300 hours Israeli warplanes overflew the southern area.

17 February 1996

The vicinity of Kafr Rumman and Habbush, in the Nabatiyah district, came under artillery bombardment and bursts of fire from the Israeli positions in the border strip.

18 February 1996

The vicinity of Tulin, Qabrikha, Majdal Silm, Tamiriyah, Ghanduriyah and Frun came under Israeli artillery bombardment.

19 February 1996

The vicinity of Jba' and Mazra'at al-Hamra' came under Israeli artillery bombardment.

The vicinity of Arabsalim, Jarju', Ayn Bu Siwar and Jba' and the hills of Mlita and Jabal Safi came under Israeli artillery bombardment.

20 February 1996

Jabal Abu Rashid and the vicinity of Ayn al-Tinah came under artillery bombardment from Lahad forces and Israeli forces.

At 2115 hours Israeli warplanes overflew the Nabatiyah area.

At 2130 hours Israeli warplanes overflew the Tyre area.

21 February 1996

At 0600 hours Israeli warplanes overflew the Nabatiyah area.

At 1400 hours Israeli warplanes overflew the Tyre area.

At 2030 hours Israeli warplanes attacked Tallat Mlita.

22 February 1996

At 0600 hours the Lahad forces closed the Batir-Jazzin crossing in the Beirut direction to both vehicles and pedestrians, and at 0700 hours they closed the Kafr Hunah-Marj Uyun crossing in both directions. They reopened the two crossings at 1700 hours.

At 0630 hours Israeli warplanes attacked the hills of Mlita and Jabal Safi. They then carried out mock attacks.

At 2120 hours Israeli warplanes bombarded the vicinity of Ayn Bu Siwar and the hills of Mlita and Jabal Safi.

At 2230 hours the vicinity of Nabatiyah al-Fawqa and the Lebanese Army barracks there came under Israeli artillery bombardment in which a member of the internal security forces was wounded.

23 February 1996

The vicinity of Arabsalim, Jarju', Ayn Bu Siwar and Jba' and the hills of Mlita and Jabal Safi came under Israeli artillery bombardment.

24 February 1996

At 0630 hours the vicinity of Kafr Rumman, Kafr Tibnin, Nabatiyah al-Fawqa, Zawtar al-Sharqiyah, Zawtar al-Gharbiyah, the area around the abandoned Lebanese Army barracks in Nabatiyah al-Fawqa, Arabsalim, Jarju', Ayn Bu Siwar, Jba' and the hills of Mlita and Jabal Safi came under Israeli artillery bombardment.

25 February 1996

The vicinity of Shaqra, Bra'shit, Majdal Silm, Tibnin, Ayta al-Jabal, Haddatha and Haris came under Israeli artillery bombardment.

26 February 1996

The vicinity of Arnun, Yuhmur, Kafr Tibnin and Mazra'at al-Hamra and areas along the Litani river came under Israeli artillery bombardment.

27 February 1996

The vicinity of Ayta al-Jabal, Haddatha, Haris, Bra'shit, Shaqra, Kafra and Yatar came under Israeli artillery bombardment.

29 February 1996

Kafra, Haris, Yatar and the vicinity came under Israeli artillery bombardment.

The Lebanese Government strongly condemns these repeated Israeli attacks, which have caused loss of life, numerous injuries and serious damage to property. It further condemns in the strongest terms the arbitrary practices directed against civilians.

Like previous attacks, this new series constitutes blatant aggression against the sovereignty and independence of Lebanon and represents another flagrant violation of international law and basic human rights.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under item 33 of the preliminary list, and of the Security Council.

(Signed) Samir MOUBARAK
Permanent Representative

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13 March 1996

ORIGINAL: ENGLISH

LETTER DATED 13 MARCH 1996 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the Memorandum of the Panmunjom Mission of the Korean People's Army dated 8 March 1996.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) PAK Gil Yon
Ambassador
Permanent Representative

96-06146 (E) 150396 180396

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Annex

Memorandum of the Panmunjom Mission of the Korean People's Army (on the current status of the Korean Armistice System), Kaesong, 8 March 1996

The Government of the Democratic People's Republic of Korea advanced a detailed proposal on 22 February this year calling for the establishment of a new peace mechanism. This proposal has taken into full account the sharp military confrontation and the present reality of the armistice system on the Korean peninsula.

However, the United States, a signatory to the Korean Armistice Agreement, has refused to positively respond to the Democratic People's Republic of Korea proposal and now is trying to mislead world public opinion that the maintenance of the obsolete Armistice Agreement contributed to the security on the Korean peninsula.

In this connection, the Panmunjom Mission of the Korean People's Army issues this memorandum featuring the present status of the armistice system.

I. THE CURRENT STATUS OF THE KOREAN ARMISTICE AGREEMENT

The Korean Armistice Agreement, which was concluded on 27 July 1953, specified measures required for preventing the recurrence of hostilities and of all acts of armed force in Korea until a peaceful settlement of the Korean question is achieved.

A strict abidance by all of the provisions of the Armistice Agreement was a prerequisite for preserving peace and security on the Korean peninsula and for a peaceful resolution of the Korean question. Therefore, the Democratic People's Republic of Korea side has made every sincere and consistent effort towards strict compliance with the Armistice Agreement and conversion of the armistice into a durable peace.

The United States side, however, has persisted in its efforts to destroy the Armistice Agreement upon its signature of the Agreement and eventually invalidated the Armistice Agreement.

The United States side has failed to comply with the provisions of the Armistice Agreement concerning the peaceful settlement of the Korean question.

Paragraph 60 of the Armistice Agreement stipulates that within three months after the Armistice Agreement is signed and becomes effective "a political conference of a higher level of both sides be held ... to settle through negotiation the questions of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question, etc.".

On 27 July 1953, just one day after the signing of the Armistice Agreement, the then United States Secretary of State, John Foster Dulles, said that "we would walk out of the political conference after the lapse of 90 days".

As Dulles declared, the United States side laid artificial obstacles at the preparatory talks for the political conference that were opened in October 1953 at the suggestion of the Government of the Democratic People's Republic of Korea, and unilaterally withdrew from the meeting room, thus bringing the talks to a rupture. And when the Geneva Conference was convened in April 1954 to discuss the Korean question, the United States side worked to make the Conference a failure.

This is the reason why paragraph 60 of the Armistice Agreement remains a dead paragraph that cannot be implemented now retroactively, and the Korean question was denied any chance of a peaceful resolution to be worked out by the political conference due in three months' time, as envisaged at the time of the signing of the Armistice Agreement, and this explains why the state of armistice has been in place for as long as 43 years.

In the wake of the Korean question having failed [to achieve] a peaceful solution, the United States side began to nullify the articles and paragraphs of the Armistice Agreement providing for the cessation of shipments into south Korea of military equipments and combat matériel.

Subparagraph 13 (d) of the Armistice Agreement says: "Cease the introduction into Korea of reinforcing combat aircraft, armoured vehicles, weapons, and ammunition." This subparagraph was a key provision essential for preventing the recurrence of war and maintaining peace and security on the Korean peninsula.

That was the reason why the United States side took this subparagraph of the Armistice Agreement as the first target of its action, and illegally introduced a huge quantity of combat matériel into south Korea in violation of the requirements of this provision.

The United States side had doctored its reports to the Neutral Nations Supervisory Commission (NNSC) to understate the quantity of the combat matériel introduced into south Korea, and later ceased presenting such reports. Meanwhile, the United States side disassembled big military hardware before its shipments in the form of the knocked-down parts or spare parts, to dodge the inspections by the Neutral Nations Inspection Teams (NNIT).

According to the summary reports submitted to the NNSC by the NNITs in Pusan and Kunsan, the United States side resorted to these knock-down shipments into south Korea of 38 B-26 combat aircraft through the Kunsan port of entry on 20 July 1955 and 106 42-inch dismantled mortars packed in crates under the disguise of "supplies for PX" on 31 July 1953.

The illegal introduction by the United States side into south Korea of the military equipment during the period since the date of the armistice through 15 April 1954, as reported by the NNITs, included 177 combat aircraft, 465 artillery guns of different calibre, 6,400 rocket launchers of different

calibre, 145 mortars of different calibre and 1,365 machine-guns of different calibre.

The United States side, which had been flagrantly violating the Armistice Agreement in this way, declared at the 75th meeting of the Military Armistice Commission that it would unilaterally abrogate subparagraph 13 (d) of the Armistice Agreement and would not submit daily reports concerning the replacement of the combat matériel.

Thereafter, the United States side "formally notified Syngman Rhee of the commencement of supplies of modern weapons into south Korea" and has turned south Korea into a nuclear-weapons base by overtly introducing large quantities of various kinds of the latest weapons, including nuclear weapons and guided missiles into south Korea.

At the 75th meeting of the Military Armistice Commission on 21 June 1957, as well as at other meetings, the Democratic People's Republic of Korea side strongly criticized any attempts for unilateral abrogation of any paragraph of the Armistice Agreement and urged the United States side to rescind its unreasonable decision and to continue submitting its reports concerning the replacement of the combat matériel.

At the eight rounds of its meetings, including the 316th meeting on 25 June 1957, the NNSC also examined this matter and confirmed that the announcement by the United States side of its unilateral abrogation of subparagraph 13 (d) of the Armistice Agreement was a flagrant violation of the Armistice Agreement. The United States side, however, has refused to withdraw its unreasonable position.

On the basis of its commitment to the implementation of the Armistice Agreement, the Democratic People's Republic of Korea side continued submitting its reports on the replacement of the combat matériel to the Military Armistice Commission and the NNSC until 30 April 1991 when the United States side illegally nominated a south Korean army officer as its senior member, only to completely paralyse the normal functioning of the armistice mechanism.

The reason why the United States side unilaterally abrogated subparagraph 13 (d) of the Armistice Agreement was explained later by the Americans themselves. United States Army Chief of Staff Lemnitzer told a closed-door hearing of the United States Congress Appropriations Committee on 27 February 1960 that "after years of efforts we succeeded in suspending subparagraph 13 (d) of the Armistice Agreement and we have modern equipment there".

It is the invalidation by the United States side of the key provisions of the Armistice Agreement that has paved the way for south Korea's current status as the greatest United States overseas military base and nuclear base.

Out of the total of 63 paragraphs under 5 articles of the Armistice Agreement, article II, paragraphs 12, 14 and 17 of the concrete arrangements for cease-fire and armistice and article III, paragraphs 51 to 59, stipulating arrangements relating to prisoners of war, have already been implemented. On

the other hand, the United States side has abrogated paragraph 13 under article II, prescribing the non-introduction of the combat matériel, the provisions (paras. 19-35) on the composition, function and authority of the Military Armistice Commission and the provisions (paras. 36-50) on the composition, function and authority of the NNSC.

Those provisions of the Armistice Agreement that still remain in force are only nine paragraphs of article I (The military demarcation line and the demilitarized zone). Even those paragraphs remain the symbolic records of the Agreement, with virtually no role to play. From a scientific point of view, any matériel can hardly remain in its original state when more than half of its properties are replaced by alien properties.

The Armistice Agreement, two thirds of which has been invalidated, has turned out to be a scrap of paper which can do nothing in favour of peace on the Korean peninsula.

II. PRESENT REALITY OF THE ARMISTICE WATCHDOG BODIES

The mandate of the Armistice supervisory body is to implement the Armistice Agreement. The basic mission of the Military Armistice Commission is primarily to settle through negotiations any violations of the Armistice Agreement, as specified in the relevant provisions of the Agreement.

- The United States side has completely paralysed the Military Armistice Commission.

Ever since the inception of the Military Armistice Commission, the United States side had left no stones unturned to paralyse its functions, and at the 192nd, 194th, 198th, 199th and 213th meetings of the Commission the United States side called for a so-called "regular meeting" and an "extraordinary meeting", which were not referred to in the Korean Armistice Agreement, and made a far-fetched proposal for a meeting of the Commission in six months and a Secretaries' meeting in a month, a move that prevented timely settlement of violations of the Armistice.

In total non-compliance with the requirement of paragraph 31 of the Armistice Agreement that if a senior member of either side receives 24 hours' notice he should participate in that meeting, the United States side failed to attend the meetings called by our side at an appointed time, delaying the 285th meeting of the Military Armistice Commission for 15 days, the 313th meeting for 12 days, the 315th meeting for 16 days, the 318th meeting for 18 days, the 319th meeting for 14 days, the 326th meeting for 11 days, the 327th meeting for 15 days, the 328th meeting for 19 days and the 331st meeting for 13 days.

The United States side stonewalled smooth discussions of issues in one way or another, including the screening of films showing the streets of Seoul, an action irrelevant to the implementation of the Armistice Agreement, especially at the 224th, the 289th and the 303rd meetings of the Commission where the United States side found itself hard-pressed by censure by the Democratic

People's Republic of Korea side of the violations by the United States of the Armistice Agreement.

The United States side broke off the discussion of the issues at those meetings by walking out of the meeting room unilaterally when it was in trouble because of exposure of its criminal acts, and even proposed that violations of the Armistice Agreement be settled through telephone messages and documents, not at the Military Armistice Commission and Secretaries' meetings.

At meetings of the Joint Observation Team on 8 August 1962 and 3 September 1963, the United States side opposed the dispatch of the Team to investigate violations of the Armistice Agreement that had occurred inside the demilitarized zone, in accordance with paragraphs 26 and 27 of the Armistice Agreement, and deliberately hindered progress in the on-the-spot investigation of incidents, thus aborting meetings unilaterally.

The United States side continued every effort to hamper the activities of the Joint Observation Team until 6 April 1967, when the United States side completely halted the activities of the Team by refusing to comply with the requirement of the Armistice Agreement for submitting the report on the meeting of sub-team No. 2 of the Team held that day in connection with a serious incident in which the United States military personnel had barbarously killed civil police personnel of the Democratic People's Republic of Korea.

As part of its attempts towards a systematic abolition of the functions and role of the Armistice supervisory body, the United States side designated a south Korean army officer as the senior member of the "UNC" side to the Military Armistice Commission on 25 March 1991, for which he has neither qualification nor legal authority at all, thus completely paralysing the Commission.

It is crystal-clear to anyone that south Korea is not qualified to be represented at the Military Armistice Commission because south Korea was a bitter opponent of the conclusion of the Armistice Agreement itself and refused to accept the Armistice Agreement, and moreover because south Korea was not a signatory to the Armistice Agreement and did not join the "United Nations Forces".

- The United States side has also deliberately wrecked the Neutral Nations Supervisory Commission.

The mission of the NNSC is to carry out the functions of supervision, observation, inspection and investigation as stipulated in subparagraphs 13 (c) and 13 (d) and paragraph 28, as required by paragraph 41 of the Armistice Agreement, and to report the results of these activities to the Military Armistice Commission.

The United States side, however, employed every conceivable means to interfere with NNSC activities and persisted in machinations to destroy the NNSC, as the NNSC was considered to be standing in the way of its arms build-up. Having hindered the activities of the NNITs, the United States side forcibly expelled the NNITs posted at the designated ports of Inchon, Taegu, Kangnung, Pusan and Kunsan, on a mission of supervising and inspecting the introduction of

reinforcing combat aircraft, armoured vehicles, weapons and ammunitions into Korea under paragraph 43 of the Armistice Agreement.

At the 41st meeting of the Military Armistice Commission on 20 April 1954, the senior member of the "UNC" side, Major-General Lacey openly stated that "the UNC side does not and will not permit the Neutral Nations Inspection Teams to board our ships for inspection purposes".

In January 1956, the United States side laid down artificial obstacles to the activities of the inspection teams, especially citing what they called "security reasons" for which inspection should not be conducted other than under normal conditions except aboard helicopter only at the altitude of 100 feet.

On 6 August 1955, the United States side prompted the Syngman Rhee puppet clique to threaten the NNIT members of the ports of entry and other posts to stage demonstrations calling for their disbandment and to mobilize mobs to attack NNIT camps in Pusan, Inchon, Taegu and Kunsan.

On 5 August 1955, the United States side prodded the south Korean authorities to issue an ultimatum that the NNSC withdraw from south Korea no later than 24 hours on 13 August 1955. The United States side engineered a car accident in the headquarters area of the Military Armistice Commission on 7 January 1956, ruthlessly killing Colonel N. Ericsson of the Swedish delegation to the NNSC.

At the 70th meeting of the Military Armistice Commission on 31 May 1956, the United States side announced that it would allow one week for the withdrawal of all the NNIT members from the ports of entry in the South and notified the NNSC to that effect, in disregard of paragraphs 61 and 62 of article V of the Armistice Agreement. This was how the NNITs, which were posted at the ports of entry in the South, were forcibly expelled on 9 June 1956. As a result, the NNSC was no longer able to fulfil its mission, specified in paragraph 41 of the Armistice Agreement, and consequently its functioning was paralysed.

The United States side tried despicably even to manipulate the Panmunjom-based foreign delegations to the NNSC for its military and political purposes.

The United States military authorities invited the NNSC delegation members to the "Team Spirit" joint military exercises targeting the Democratic People's Republic of Korea thus destroying even the neutrality and impartiality that are essential for NNSC activities.

III. EFFORTS OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA IN RESPONSE TO THE PARALYSED ARMISTICE SYSTEM

The actions by the United States side to destroy the armistice watchdog body have resulted in a vacuum that might jeopardize the security on the Korean peninsula.

The Democratic People's Republic of Korea side advanced realistic proposals and pursued patient efforts to fill such a vacuum. In an effort to maintain the

NNSC and restore its paralysed functions, the Democratic People's Republic of Korea side put forward the ideas of enhancing the power and function of the NNSC, giving that body a role to play in the process of verification of arms reduction on the Korean peninsula and organizing a neutral-nations supervisory army to stay in the demilitarized zone. These ideas were spelled out in the phased arms reduction proposal of the Democratic People's Republic of Korea, made at the First Session of the Eighth Supreme People's Assembly of the Democratic People's Republic of Korea on 30 December 1986 and further specified in the Democratic People's Republic of Korea Government Statement of 23 July 1987.

The Democratic People's Republic of Korea had pursued this proposal for more than five years to begin negotiations with the United States and other parties concerned. But the United States side refused to respond to this proposal.

In this situation, the Government of the Democratic People's Republic of Korea advanced an epochal proposal on 28 April 1994 calling for the replacement of the outdated armistice system with a new peace system. Under this proposal, to create an environment for the establishment of an institutional mechanism, the Democratic People's Republic of Korea side recalled its members from the Military Armistice Commission and established the Panmunjom Mission of the Korean People's Army in its place.

Under the government-level agreement between the Democratic People's Republic of Korea and the People's Republic of China, the Chinese Government took measures in December 1994 to recall the delegation of the Chinese People's Volunteers from Panmunjom.

In the wake of the withdrawal from the Military Armistice Commission of the delegation of the Korean People's Army which had been supporting the Polish delegation to the NNSC, the Government of the Democratic People's Republic of Korea requested the Polish Government to recall the Polish delegation from the NNSC. The Polish Government withdrew its delegation to the NNSC from Panmunjom in February 1995.

Under the strong demand of the Democratic People's Republic of Korea and the pressure of world public opinion, the United States side agreed to begin the Democratic People's Republic of Korea/United States military talks, which opened in Panmunjom in May 1995, and agreed to discuss ways to establish peace. The working-level contacts in Panmunjom made certain progress in paving the way for eventual Democratic People's Republic of Korea/United States military talks on a general level. But in September, the United States side broke off the working-level talks.

As a result of the invalidation of the Armistice Agreement and destruction of the armistice supervisory body, there is no military deterrent mechanism in place that will guarantee the armistice on the Korean peninsula. In the event that the continuing vacuum entails an unforeseen occurrence with irretrievable consequences, the United States will be held totally responsible for that.

The United States, a party to belligerency with the Democratic People's Republic of Korea, continues to ship modern armaments and combat equipment into south Korea and stages large-scale war games against the Democratic People's Republic of Korea almost every day. In this situation, it is not difficult to guess what consequences will follow in the event that any minor misunderstanding occurs between the two sides.

The United States side still refuses to respond positively to the broad-minded overtures of the Democratic People's Republic of Korea for a new peace system. The United States must not mistake the peace talks proposal of the Democratic People's Republic of Korea for an expression of begging for peace.

Options do not belong to the United States only. If the United States continues stalling for time with its refusal to respond to the proposal of the Democratic People's Republic of Korea, the latter will have no choice but to take the initiative in undertaking the final steps to replace the outdated armistice system with a new mechanism.

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LETTER DATED 13 MARCH 1996 FROM THE PERMANENT REPRESENTATIVE OF TAJIKISTAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith the text of the Agreement on social accord in Tajikistan, which was opened for signature on 9 March 1996.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) Rashid ALIMOV
Ambassador
Permanent Representative

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Annex

[Original: Russian]

Agreement on social accord in Tajikistan

We, the parties to the present Agreement,

United by our common fate on the soil of Tajikistan,

Bearing in mind the historical necessity of ensuring the national unity of the Tajik people,

Recognizing the priority that attaches to individual rights and freedoms and the universally accepted norms of international law,

Proclaiming our adherence to the principles of State sovereignty, development of democracy and statehood,

Aware of our responsibility to present and future generations,

Making it our goal to ensure civil peace, national unity and social accord in the Republic,

Recognizing that in diversity lies our social strength and spiritual wealth,

Consider:

That we have an obligation to move beyond confrontation and pass on to our descendants a peaceful and united Tajikistan where real effect would be given to the principle:

That everyone is born free and equal in dignity and rights;

Proclaim the unity of our positions on the issues of principle embodied in the present Agreement.

I. Purposes of the Agreement

1. Laying of the foundations for socio-political and national solidarity of the Tajik and other peoples in building an open, free and pluralistic society in Tajikistan.

II. Objectives of the Agreement

1. To achieve civil peace and national and social accord in society.

2. To ensure that human rights and freedoms prevail over all other values.

3. To ensure the supremacy of the Constitution and the universally acknowledged norms of international law.

III. Principles on the basis of which the present Agreement is concluded

1. Acceptance and observance of the Constitution of the Republic of Tajikistan.

2. Constitutionality of peaceful methods of achieving political objectives. Impermissibility of resolving problems that arise in society through the use of force in any form. Armed forces and militarized formations shall be exclusively State-controlled.

3. Diversity of views, ideology and the multi-party system.

4. Equality of rights of the parties to the Agreement in its implementation.

IV. Obligations of parties to the Agreement

A. General obligations

1. To acknowledge the interests of society over departmental, group, party and regional interests.

2. Not to permit in their work actions that violate human and civil rights on grounds of sex, language, nationality, religion and other differences.

3. To promote the strengthening of peace and friendship with the countries of Central Asia, the Russian Federation, the other countries members of the Commonwealth of Independent States and world society with a view to securing international support for actions to attain national and civil accord and the peaceful resolution of the inter-Tajik conflict.

B. The President, the Government and the Majlis-i Olii undertake:

To draw up and adopt legislation aimed at the democratization of public life and the protection of human rights and freedoms;

To create equal opportunities for the activity of socio-political bodies, national cultural societies and religious organizations;

To promote the attainment of unity of the State structures at all levels on the basis of a rational personnel policy that excludes local and regional bias;

To guarantee equal opportunities of access to the mass media by the parties to the Agreement;

To pursue an active social policy aimed at stabilizing the economy and raising the living standard of the population;

C. The political parties and other social associations undertake to support the Government in resolving economic, political, social and cultural problems, to support and promote the strengthening of State independence, national accord and to refrain from all forms of extremism and violent pressure.

V. Implementation of the Agreement

For purposes of the implementation of the provisions of the present Agreement, a Social Council shall be established whose structure, functions and objectives shall be determined by the Statute on the Social Council approved by the parties to the Agreement. Decisions of the Council shall be adopted on the basis of the principles of consensus.

VI. Signature of the Agreement and responsibility of the parties to it

The present Agreement is concluded by the President of the Republic of Tajikistan, the Chairman of the Majlis-i Olii, and the leaders of the political parties, social associations, creative unions, religious organizations and national cultural societies. Becoming and ceasing to be a party to the Agreement shall be voluntary.

The parties who have signed the Agreement recognize that solution of all the socio-political problems in accordance with international law will be successful only if, in their activity, they respect human and civil rights and freedoms, the rights of national minorities and the principles of democracy and of a State ruled by law.

VII. Duration of the Agreement and conditions for accession of new parties to it

The Agreement shall remain in force for three years. The Social Council shall have the authority to extend this period. All socio-political forces that share the principles and provisions of the Agreement may accede to it at any time, affixing their signature to it in confirmation thereof.

* * *

The parties signing the Agreement are conscious of their high responsibility to society for discharge of the obligations entered into. The Council will assume responsibility for the implementation of all points in the present Agreement and ensure objective coverage of socio-political problems in the mass media, not permitting them to be used for the purpose of exacerbating relations between the various socio-political forces. The Council will keep the public regularly informed of progress in the implementation of the Agreement.

The Agreement shall enter into force at the time of its signature.

The Agreement is drawn up in the Tajik and Russian languages, both texts being equally authentic.

The Agreement is open for signature from 9 March 1996.

(Signed) E. S. RAKHMONOV
President of the Republic of Tajikistan

(Signed) S. RAJABOV
Chairman of the Majlis-i Olii of the Republic of Tajikistan

(Signed) S. S. SHABDOLOV
Chairman of the Communist Party of Tajikistan

(Signed) A. S. DOSTIEV
Chairman of the People's Party of Tajikistan

T. ABDURAKHIMOV
Member of the Presidium of the Political and Economic Renewal Party of Tajikistan

(Signed) G. ORIPOV
Deputy Chairman of the National Unity Party of Tajikistan

(Signed) B. L. MAKHMADOV
Chairman of the "Union" Citizens' Patriotic Party

(Signed) K. ABDURAZAKOV
Member of the Presidium of the Democratic Party of Tajikistan

(Signed) M. S. SALIKHOV
Chairman of the Federation of Trade Unions of Tajikistan

(Signed) I. RAKHIMOV
Chairman of the Central Council of the Youth Union of Tajikistan

(Signed) M. B. SHAKHOBOVA
Chairman of the "Simo" Women's Association of Tajikistan

Loik SHERALI
Chairman of the Tajik Language Fund

(Signed) M. BAKOZODA
First Deputy Chairman of the Peace Defence Committee and the Peace Fund of the Republic of Tajikistan

(Signed) V. I. YUSHIN
Chairman of the Russian Society of Tajikistan

(Signed) K. S. SATTOROV
Chairman of the Association of Uzbeks in Tajikistan

(Signed) S. S. KASHAEV
Chairman of the "Dustlik" Tatar-Bashkir Cultural and Social Centre

(Signed) S. B. KOBERIDZE
Chairman of the "Samvistamo Iberia" Georgian Cultural and Educational Association

V. M. KIM
Vice-President of the Association of Koreans in Tajikistan

(Signed) D. KULLAKOV
Member of the Presidium of the Turkmen Association of Tajikistan

(Signed) M. N. GAVRIELOV
Chairman of the "Khoverim" Association of Friends of European Culture

(Signed) T. G. VASKANYAN
Chairman of the Armenian Society of Tajikistan

A. MASUR
Chairman of the "Wiedergeburt" Association of Germans in Tajikistan

(Signed) S. M. YASINOV
President of the Association Uigurs in Tajikistan

UNITED
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Security Council

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S/1996/188
13 March 1996

ORIGINAL: ENGLISH

LETTER DATED 13 MARCH 1996 FROM THE PERMANENT REPRESENTATIVE OF GEORGIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the statement by the Ministry of Foreign Affairs of Georgia, issued on 10 March 1996, regarding the tragic death of a United Nations military observer in the Gali region of Abkhazia, Georgia.

May I ask your kind assistance in circulating this statement as a document of the Security Council.

(Signed) Peter CHKHEIDZE
Ambassador Extraordinary
and Plenipotentiary
Permanent Representative

96-06140 (E) 130396 140396

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Annex

Statement issued on 10 March 1996 by the Ministry of Foreign Affairs of Georgia

On 9 March 1996, a vehicle belonging to the United Nations Observer Mission in Georgia (UNOMIG) exploded on an anti-tank land mine near the village of First Gali in the Gali region of Abkhazia, Georgia, killing a United Nations military observer and seriously wounding other passengers in the car, including a Georgian female interpreter.

The Ministry of Foreign Affairs of Georgia expresses its deep regrets over this tragic accident and states that the responsibility for this act lies entirely with the separatist regime of Abkhazia, which controls the aforesaid territory.

Whereas the Government of Georgia, with the support of the United Nations and the Commonwealth of Independent States (CIS), is going out of its way for the peaceful settlement of the conflict, the Abkhaz separatists continue their provocative actions manifested in banditry, hostage-taking and assaults against the peaceful population.

The terrorist act carried out against the United Nations military observers is just another example of the continuous attempts of the separatist regime to subvert the peace process.

The Ministry of Foreign Affairs of Georgia expresses its sincere condolences to the family of the deceased and strongly believes that the perpetrated act of vandalism will not impede the tireless efforts of the United Nations aimed at the peaceful settlement of the conflict.

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14 March 1996

ORIGINAL: ENGLISH

LETTER DATED 14 MARCH 1996 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit, enclosed herewith, the Press Release on the talks between His Excellency Mr. Milan Milutinović, Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia, and His Excellency Mr. Mate Granić, Deputy Prime Minister and Foreign Minister of the Republic of Croatia, held on 11 March 1996 in Zagreb.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.

96-06176 (E) 140396 160396

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Annex

Press release on the talks between the Federal Minister for Foreign Affairs of Yugoslavia and the Deputy Prime Minister and Foreign Minister of Croatia, held on 11 March 1996 in Zagreb

The Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia, Milan Milutinović, and the Vice Prime Minister and Foreign Minister of the Republic of Croatia, Mate Granić, conducted wide-ranging talks in Zagreb today on the questions of interest for the promotion of the peace process and for normalization of relations. The visit was a continuation of contacts and political dialogue conducted during the recent visit of Foreign Minister Granić to the Federal Republic of Yugoslavia.

In the talks, conducted in a constructive atmosphere, the two sides expressed interest and readiness to proceed towards a full normalization of relations, well aware of the importance that this has for the further consolidation of the peace process, for peace and stability in the region.

The two sides expressed readiness for cooperation between the Federal Republic of Yugoslavia and the Republic of Croatia with other international partners in the realization of the Peace Agreement for Bosnia and Herzegovina, as well as the Basic Agreement on the Srem-Baranja region. It was assessed that it is most important to speed up the implementation of the civilian aspects of the Peace Agreement for Bosnia and, in particular, to ensure as soon as possible the conditions for holding free and democratic elections as envisaged by the established timetable. It was also pointed out that it was important to begin the speedy economic recovery and reconstruction of Bosnia and Herzegovina, which has not only economic but also political importance.

The two sides voiced full respect for the principle of equal treatment of all sides in the process of the implementation of the Peace Agreement. The recovery and reconstruction of the war-devastated areas, the creation of conditions for a normal life of people and the return of refugees will render a powerful contribution to peace if they are realized without political conditions and with equal treatment of all sides. As far as the Srem-Baranja region is concerned, it was pointed out that it was necessary to implement the Basic Agreement of 12 November 1995 and Security Council resolution 1037 (1996) of 15 January 1996 fully and consistently. It was underlined that it was important to complete the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) as soon as possible and to begin the functioning of the Transitional Administration as a guarantor of an unimpeded evolvement of the transitional period and the equality of all inhabitants of the region. Both sides rendered their full support to the United Nations Transitional Administration and its Administrator, Jean-Jacques Klein.

The question of Prevlaka was also considered, as well as the egress of the Republic of Srpska to the sea. The Yugoslav side voiced its view that these outstanding issues should be resolved in the spirit of good-neighbourly relations and on the basis of previous agreements. Pending a final solution,

i.e., until the Federal Republic of Yugoslavia and the Republic of Croatia reach an agreement, in accordance with Security Council resolution 1038 (1996) of 15 January 1996, on a solution which would resolve their differences related to the problem of Prevlaka peacefully, the United Nations security regime, established by the joint declarations of the President of the Federal Republic of Yugoslavia and the President of the Republic of Croatia of 30 September and 20 October 1992 and Security Council resolution 779 (1992) of 6 October 1992, will continue in force.

A number of agreements were reached in the talks which, paying due respect to mutual interests, resolve important concrete questions. Agreements were signed on the reopening of the oil pipeline, resumption of rail and air traffic and the establishment of telecommunication links and some postal services. It was agreed in principle to reopen the Belgrade-Zagreb motorway, the modalities of the realization of this agreement to be worked out in detail in the very near future.

It was agreed to expand the competence of the Bureau of the Government of the Federal Republic of Yugoslavia in Zagreb and the Office of the Government of the Republic of Croatia in Belgrade for the purpose of carrying out certain consular functions. In this way the two sides have met the needs of everyday life and the interests of the citizens of both sides, in particular a great number of Serbian refugees in the Federal Republic of Yugoslavia and the solution of their status and other questions. The agreements reached are based on international conventions and customs and, no doubt, provide a new quality to the competence of the missions of the two Governments in Belgrade and Zagreb, even though this does not prejudice the question of the formal normalization of relations between the two countries.

As far as other open questions are concerned, the two sides reiterated their readiness to continue expert negotiations in order to reach mutually acceptable solutions as soon as possible.

The Yugoslav side pledged its support for a full protection of the human and civil rights of Serbs in Croatia. In particular, it stressed the need to create conditions for an unimpeded and safe return of all Serbian expellees and refugees from Krajina and Western Slavonia. The principle of free will and the choice of residence for all refugees must be universally respected. Particular emphasis was placed on guaranteeing the rights of Serbian expellees and refugees, as well as of the citizens of the Federal Republic of Yugoslavia possessing property in the territory of Croatia, to dispose of their property. The Yugoslav side handed over an aide mémoire containing proposals to resolve this very important question.

The activities and concrete results of the work of the Commissions of the two Governments on humanitarian issues and missing persons achieved up to now have been assessed as positive and the continuation of their work without politicizing and on the agreed basis was supported. An agreed Protocol on the further cooperation of the Commissions will be signed soon.

Participating in the talks were the Federal Minister for Transport and Communications, Dr. Zoran R. Vujović, and senior officials of the Federal

Ministry of Foreign Affairs of the Federal Republic of Yugoslavia and, on the Croatian side, Zeljko Luzaveć, Minister of Shipping, Transport and Communications of the Republic of Croatia and senior officials of the Ministry of Foreign Affairs of the Republic of Croatia.

The Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia, Milan Milutinović, was also received by the President of the Republic of Croatia, Dr. Franjo Tudjman. Their talks covered the basic aspects of Yugoslav-Croatian relations at this moment in time. It was confirmed that these relations were of great importance for the further progress of the peace process and the consolidation of peace and security in the region. It was mutually noted that, in the interest of the future and good-neighbourliness, the two sides should invest greater efforts in building mutual confidence and in resolving outstanding issues of common interest through agreements.

During his visit to Zagreb, the Federal Minister for Foreign Affairs, Milan Milutinović, received in the Bureau of the Government of the Federal Republic of Yugoslavia the representatives of Serbs in Croatia and conducted with them lengthy and meaningful talks.

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14 March 1996

ORIGINAL: ENGLISH

LETTER DATED 13 MARCH 1996 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit the attached report, which was addressed to me on 13 March 1996, by the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

96-06190 (E) 180396 190396

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Annex

Letter dated 13 March 1996 from the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina addressed to the Secretary-General

I have the honour to transmit to you my first report on my activities as High Representative monitoring the implementation of the Peace Agreement on Bosnia and Herzegovina.

It is my intention to continue to report to you at regular intervals. I hope also to come to New York in order to meet you as well as the members of the Security Council, should they wish this, to give you as complete an assessment of the situation as possible.

(Signed) Carl BILDT

Appendix

Report of the High Representative for the implementation of the Bosnian peace agreement to the Secretary-General of the United Nations

(Brussels, 13 March 1996)

1. INTRODUCTION

1. In its resolution 1031 of 15 December 1995, the Security Council endorsed my nomination as High Representative to "monitor the implementation of the Peace Agreement and mobilize and, as appropriate, give guidance to, and coordinate the activities of, the civilian organizations and agencies involved" in the implementation of the Peace Agreement on Bosnia and Herzegovina.

2. The Security Council also requested the Secretary-General to submit reports from the High Representative, in accordance with Annex 10 to the Peace Agreement and the conclusions of the Peace Implementation Conference held in London, on the implementation of the Peace Agreement. I herewith submit my first report.

3. This report covers the period from the signature of the Peace Agreement in Paris on 14 December 1995 to the beginning of March 1996. I intend to submit reports at regular intervals on developments in the areas indicated below.

2. INSTITUTIONAL ASPECTS

Office of the High Representative

4. In order to be able to fulfil the duties assigned to me, I have established a Headquarters at Sarajevo and a Secretariat at Brussels.

5. The Headquarters at Sarajevo is responsible for the operational level coordination of civilian implementation activities in Bosnia, for contacts with the authorities of Bosnia and Herzegovina and for the running of all of the commissions set up in the Peace Agreement. If funds are available, it is my intention to set up an office in Banja Luka in order to be able to deal better with developments in the Republika Srpska. The Headquarters at Sarajevo is headed by the Principal Deputy and has, in addition to the Chief of Staff, units responsible for political affairs including elections, economic policy and reconstruction, relations with the United Nations, relations with the Implementation Force (IFOR), human rights, humanitarian issues including refugees, legal affairs and media relations.

6. The Secretariat in Brussels is responsible for the international aspects of peace implementation and is currently headed by my Senior Adviser. It maintains contacts at the strategic level with the Headquarters of the respective implementation agencies as well as contacts with the different Governments and international organizations I have been asked to report to and coordinate with. The Secretariat in Brussels has active units for political affairs and policy

planning as well as for relations with the North Atlantic Treaty Organization (NATO) and Supreme Headquarters Allied Power Europe (SHAPE). In addition, there will shortly be separate sections dealing with the regional and State succession issues formerly dealt with by the International Conference on the Former Yugoslavia (ICFY). I will also set up a legal section in Brussels.

7. The practical problems associated with the setting up of an organization from scratch have been considerable. I was able to benefit from the resources of the International Conference on the Former Yugoslavia during the first few weeks, without which the task would not have been possible.

8. In spite of the commitment at the Peace Implementation Conference held in London, the Governments represented on my Steering Board have not yet been able to agree on a funding key for the expenses of the High Representative. I have been able to initiate operations thanks only to support from the European Union, which was later supplemented by a grant from the Government of Japan. I hope that the members of the Steering Board will agree urgently on a funding key as well as endorsing my estimates for operations. Unless this happens very soon I shall not be able to fulfil the tasks assigned to me.

International Conference on the Former Yugoslavia and the ICFY Mission

9. With the winding-up of the International Conference on the Former Yugoslavia on 30 January, my office in Brussels has, in accordance with the conclusions of the Peace Implementation Conference, assumed responsibility for the work done hitherto by ICFY on State succession and on ethnic and national communities and minorities, I have nominated Ambassador Martin Lutz to work on regional issues and Sir Arthur Watts as Special Negotiator on State Succession Issues. They and their teams will continue the work of the respective Working Groups of ICFY.

10. Between 1992 and 1996, ICFY played an important role in the search for a peaceful settlement to the conflicts of the former Yugoslavia. In many ways, its work paved the way for the Peace Agreement that was finally concluded at Dayton. We owe a debt of gratitude to its Co-Chairmen Mr. Cyrus Vance, Lord David Owen and Mr. Thorvald Stoltenberg, and to the teams who have worked under them, for the work they did. The archives of ICFY have been deposited with the United Nations.

11. Following the suspension of sanctions on Republika Srpska on 27 February, the ICFY Mission located on the border between the Federal Republic of Yugoslavia and Bosnia and Herzegovina no longer has any direct border monitoring missions to fulfil, and will close down on 19 March. Part of the personnel of the ICFY Mission can be used in a new capacity to help the International Customs Observer Mission (ICOM) set up a customs service for Bosnia and Herzegovina. Ex-ICFY Mission personnel are a valuable resource which should if possible be usefully employed in the region.

Steering Board of the Peace Implementation Council

12. The Steering Board established by the London Conference met for the first time at Bonn on 18 December. It met subsequently at Brussels on 30 January and

on 5 March, and will meet again at Sarajevo on 24 April. The Steering Board has given me helpful political guidance and has provided a forum for discussion in some depth of issues relating to economic reconstruction, succession and regional matters. The meeting on 5 March focused on economic reconstruction and discussed priorities and funding with representatives of the major international agencies involved in reconstruction, while the meeting in April will focus on election preparations, with the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE) and others who will be present.

13. In addition to the Steering Board meetings, there have been meetings involving the countries that witnessed the signing of the Peace Agreement. I have participated. A first meeting at Political Directors level was held at Sarajevo on 18 January. The second such meeting, which was attended by the Presidents of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, was held at Rome on 17 and 18 February. Further meetings of this group of countries will be held to discuss the political aspects of the implementation of the Peace Agreement.

3. COORDINATION OF CIVILIAN IMPLEMENTATION

Overall coordination

14. My efforts to coordinate the different aspects of civilian implementation take place at two levels. One is concerned with the planning and policy decision-making process and is carried out by the Secretariat in Brussels. The other is concerned with the immediate implementation of agreed policies, and is carried out by the Headquarters in Sarajevo.

15. A first meeting of the major implementation agencies took place at my office in Brussels on 17 January to assess the plans developed by the different international agencies and organizations involved in the implementation of the Peace Agreement. The meeting agreed that there was a need for closer coordination, especially in the field of human rights monitoring and efforts to help economic reconstruction. I have therefore undertaken to set up the Human Rights Coordination Centre and the Economic Task Forces in Brussels and Sarajevo. The next meeting of the major implementation agencies is scheduled for 27 March, and a further meeting will be held in mid-May.

16. The Peace Implementation Conference in London in December 1995 agreed that there should be a Review Conference in June 1996 to take stock of developments. This conference is scheduled for 13 and 14 June at Rome, and will be of great importance in assessing the state of implementation as elections in Bosnia and Herzegovina approach. I am in contact with the Government of Italy concerning plans for the conference.

17. I have consulted extensively with representatives of Governments and organizations. On 18 January I met the OSCE Chairman-in-Office in Berne. I have also reported to the Council of Ministers of the European Union. My office in Brussels is in close touch with the North Atlantic Council.

Operational coordination

18. In Bosnia, a large part of my initial effort has been directed towards setting up the different coordination commissions called for in the Peace Agreement. These are essential not only to coordinate different aspects of the implementation effort, but also to bring the parties together in direct discussions about their common problems and their joint future.

19. The Joint Interim Commission (JIC) is composed of delegations led by the Prime Ministers of the Governments of Bosnia and Herzegovina, the Federation and the Republika Srpska, and is normally chaired by me. It deals with questions concerning the political and constitutional implementation of the Peace Agreement, and has also provided a key channel for direct political talks on a wide range of issues. It met at Sarajevo on 24 January and Banja Luka on 27 February. It is scheduled to meet again at Sarajevo on 16 March and at another location in the country on 28 March.

20. The Joint Civilian Commission (JCC) has met regularly in my office in Sarajevo and has addressed a wide variety of issues. Normally chaired by my Principal Deputy, Ambassador Michael Steiner, it brings together representatives of the Governments of Bosnia and Herzegovina, the Federation and the Republika Srpska with the most important implementation agencies.

21. I intend to set up Joint Civilian Commissions at the regional level shortly.

22. The Joint Civilian Commission on Sarajevo (JCCS) which I established on 10 January as a body subordinate to the main JCC has been especially active. It consists of two representatives of the Federation, two representatives of the city of Sarajevo, and three representatives of the local Serb population in the areas transferred to the Federation. It has established a number of working groups to assist in the reintegration of the city of Sarajevo.

23. In addition to the commissions called for by the Peace Agreement, my Headquarters in Sarajevo is also responsible for organizing regular meetings of the Human Rights Task Force and the Economic Task Force Sarajevo.

24. My Sarajevo office also conducts regular and frequent meetings with the Special Representative of the Secretary-General, the Commissioner of the International Police Task Force, the Head of the OSCE Mission, the Special Rapporteur of the United Nations Commission on Human Rights and the special envoy of the United Nations High Commissioner for Refugees.

Peace Agreement Commissions

25. My office has been working actively with the parties to prepare the setting up of the commissions provided for in the annexes to the Peace Agreement. All parties have now nominated representatives to the Human Rights Chamber of the Human Rights Commission, the Commission for Refugees and Displaced Persons and the Commission on Public Corporations. According to the Peace Agreement nominations were to have been made before 14 March, but the Rome Agreement

brought this deadline forward to 1 March. The Federation side is still to nominate its representatives to the Commission to Preserve National Monuments.

26. A great responsibility for the starting up of these commissions rests with the international organizations which have been asked to nominate chairmen and international members to them. The Peace Implementation Conference may well be called upon to address the question of funding these commissions which is not provided for.

The unification of Sarajevo

27. From the beginning, my office devoted considerable effort to securing smooth transition from Republika Srpska to Federation authority in the suburbs of Sarajevo and to create conditions in which as many of its inhabitants as possible remained in the reunited city.

28. While the Peace Agreement included detailed provisions concerning the military separation of forces and transfer of territory, no such provisions were made concerning the transfer of civilian and police authority. This made it necessary for JCCS to work out transition arrangements to ensure a peaceful and orderly transition of civil authority.

29. Under the transition arrangements, during the period from D+45 to D+90, existing civil authorities in those areas to be transferred to the Federation are allowed to function to help prepare the transfer, provided they do not act inconsistently with the Federation Constitution. A joint statement by the IFOR Commander and myself on 4 February laid down the principles for the transfer of police authority under International Police Task Force monitoring to an integrated police force in accordance with the Federation Constitution. It has been agreed that the composition of this police force should reflect the ethnic composition of these areas according to the 1991 census.

30. Within JCCS, and in direct contacts with the parties, a package of political and other measures has been worked out which provides a sound basis for reintegrating Sarajevo as an open, united, democratic and multi-ethnic city. These measures provide for security for the local Serb population, equal treatment and a full opportunity for the Serbs to participate in the government of the city of Sarajevo. This participation takes the form of local self-rule at municipality level through the running of their own schools and social welfare and appropriate use of the Cyrillic alphabet. The right of freedom of movement and the return of refugees and displaced persons in a voluntary, phased and orderly fashion are also included. The work of JCCS provided the basis for the Rome Statement on Sarajevo on 18 February which was supported by the key political leaders of Bosnia and Herzegovina - both the Federation and Republika Srpska - and the Federal Republic of Yugoslavia.

31. It has been agreed by the members of JCCS that it will continue to act as the advisory and coordinating body for all matters pertaining to the implementation of the Peace Agreement in Sarajevo.

32. With the gradual transfer of authority now under way, it is a cause of great concern to me that a large number of Serbs have chosen to leave Sarajevo.

The reasons for this are many. The wounds left by 42 months of bitter and brutal war cannot be healed in two or three months. It is also my view that stronger political measures should have been taken by the Bosnian authorities to win Serb confidence in their commitment to a multi-ethnic Sarajevo and Bosnia, and encourage the Serbs to stay. There has also been irresponsible propaganda by key Republika Srpska personalities advocating the ethnic division of the country. Events during the weeks preceding and at the beginning of the transition also fuelled Serb fears and accelerated the exodus.

33. My team will continue to work to create the best possible conditions for a united and multi-ethnic Sarajevo as the capital of a reintegrated and multi-ethnic Bosnia. We are urging the Bosnian authorities to do whatever they can to encourage those who have fled to return to Sarajevo. We are continuing discussions concerning the future constitutional status of Sarajevo within the provisions of the Federation Constitution.

Economic reconstruction

34. The economic situation in Bosnia and Herzegovina is extremely difficult; 80 per cent of the population is at least partially dependent upon humanitarian food aid. Annual per capita income has fallen to about US$ 500, compared to about US$ 1,900 in 1990. Industrial output is now about 5 per cent of output in 1990 and electricity consumption is under 10 per cent of the pre-war level.

35. It is self-evident that economic revival and long-term rebuilding of the economy are preconditions for political stability and peace. Although the main responsibility for this rests with the Governments of the Federation and the Republika Srpska, the role of the international community will be crucial in getting economic reconstruction going during 1996 and the following years.

36. I attach great importance to an early and convincing start to economic rehabilitation and reconstruction. This will be the best way of significantly reducing the dependence of the population on humanitarian aid and of demonstrating, before the elections, that compliance and cooperation bring tangible benefits. Economic reconstruction is also one of the most potent instruments at our disposal to influence the reintegration of the country, of which the return of refugees and displaced persons is a central part. It thus has great political significance and it will be important to ensure that a proportion of projects has as one of their main objectives the economic reintegration of the two entities.

37. I have made arrangements for the coordination of economic reconstruction efforts both inside Bosnia and internationally. Meetings of the economic implementation agencies - the World Bank, the European Commission, the European Bank for Reconstruction and Development, the International Monetary Fund and the International Management Group - were held in my office in Brussels on 13 February and 1 March to discuss priorities and plans, with particular emphasis on the need for an early start to reconstruction efforts. These meetings will continue on a regular basis, with the next meeting scheduled for 26 March.

38. In addition, regular weekly meetings between the same agencies are held in my office in Sarajevo to coordinate the more operational aspects of economic reconstruction, as well as to discuss the economic policy and other measures being jointly recommended to the Federation and the Republika Srpska authorities. The World Bank and the European Commission have also organized sectoral task forces which meet regularly, and which should ensure effective coordination of the efforts of the numerous bilateral donors.

39. I am increasingly concerned that adequate funds will not be forthcoming to support even the modest programmes which will allow the economy to take off. I urge all countries committed to the restoration of peace and stability in Bosnia and Herzegovina and throughout this important region to contribute fully to the necessary reconstruction programme.

40. The Ministerial Donors Conference scheduled for 12 and 13 April at Brussels and sponsored by the European Commission and the World Bank will be crucial to securing adequate funding. Confirmation of the pledges made at the meeting held in December as well as commitments of new money adequate to fund the planned programmes for the next few years will be necessary.

41. Our efforts to help the economies adjust from war to peace, and to start the very long task of reconstruction, should be directed towards key infrastructure needs in the areas of power and electricity, telecommunications and road and rail links. These efforts will then also contribute to the rebuilding of housing, which is important to enable the large number of refugees to return. I also attach particular importance to projects that contribute to cooperation between the Federation and the Republika Srpska. In addition, there will be a continued need for humanitarian assistance along with the more medium-term effort to reconstruct a viable economy for the whole of the country.

42. I have made clear to the parties that they have the most important role in re-establishing the economy of their country. It is their task to put in place a stable and sound macroeconomic framework without which our efforts are never going to succeed. There has been progress in this area, but there is still a great deal to be done. Within the framework of the Joint Interim Commission, discussions have been initiated on joint monetary arrangements and on common customs regulations. It is very important that free movement of goods, services, capital and persons between the Federation and the Republika Srpska is allowed in accordance with the Peace Agreement.

43. The flow of reconstruction aid from the international community is dependent on and related to the willingness of the parties to comply with the terms of the Peace Agreement. I intend to monitor compliance closely and before the Peace Implementation Review Conference in June I will give an assessment on how the different parties are adhering to the provisions of the Peace Agreement.

44. In accordance with Security Council resolution 1022 (1995), I have the authority to report via the Secretary-General to the Security Council if "the Federal Republic of Yugoslavia or the Bosnian Serb authorities are failing significantly to meet their obligations under the Peace Agreement". Such a report will automatically trigger the reimposition of suspended sanctions against the Federal Republic of Yugoslavia and the Republika Srpska unless the

Security Council decides otherwise. Although such action would have severe consequences for reuniting Bosnia and Herzegovina I will use these powers if I judge it necessary. I note that there is no similar provision in the event of a failure by the Federation or the Republic of Croatia to meet their obligations under the Peace Agreement.

Mine clearance

45. This is a matter of urgent priority. There are an estimated 3 million uncleared land-mines in Bosnia and Herzegovina. Total clearance is a job that will take many years to complete. In the immediate future, the need to get rehabilitation projects under way, and to facilitate the return of refugees and displaced persons and the arrival of all the international personnel who will be required to operate in war-affected areas, are pressing reasons for urgent action to clear mines.

46. My office in Brussels convened the first Coordination Meeting on Mine Clearance on 16 February, which was attended by all principal interested international organizations. It was recognized that little in terms of physical implementation would be achieved unless there was a coordinated approach and appropriate management structures were established immediately.

47. To this end a Mine Action Centre (MAC) for Bosnia to handle the operational coordination of all mine-clearance operations and projects has been established. It was agreed that this would be a United Nations lead operation. It was further agreed that a Policy Group under the Joint Civilian Commission would be established and chaired by my office, in order to handle the necessary interface with the entities and principal international organizations and donors to determine project priorities. The Policy Group was established by JCC on 28 February, at which time the entities endorsed the mandate. The first meeting of the Policy Group took place on 6 March and MAC is expected to be operational by the middle of March.

Elections and liaison with OSCE

48. The holding of free, fair and democratic elections is a central element of the Peace Agreement. They are important not only in allowing the peoples of Bosnia and Herzegovina freely to choose their own leaders, but also in paving the way for the setting up of the common institutions laid down in the Peace Agreement.

49. The Organization for Security and Cooperation in Europe has been requested to adopt and put in place an elections programme. Liaison between my office and OSCE has been carried out through three mechanisms. First, the Head of the OSCE Mission is a member of the Joint Civilian Commission. Secondly, I am represented on the Provisional Election Commission (PEC). Thirdly, I am in regular contact with the Chairman-in-Office of OSCE.

50. On 30 January, the OSCE Mission in Bosnia and Herzegovina set up the Provisional Election Commission foreseen in the Peace Agreement. In spite of a period when Republika Srpska refused fully to take part in its work, it has proceeded to address key election issues.

51. According to the Peace Agreement, elections for the three-person Presidency of Bosnia and Herzegovina, the House of Representatives for Bosnia and Herzegovina, the House of Representatives of the Federation and the Federation Presidency and the National Assembly of the Republika Srpska should be held between 14 June and 14 September.

52. On 22 February, PEC reached agreement on the basic rules and regulations for the preparation and conduct of the elections. These have now been adopted by all parties and will be developed in more detail in the coming weeks. It was also announced that elections to cantonal and municipal elections will be held according to the same rules as the national and entity elections.

53. The next major step in the preparation of elections will be the publication on 31 March of the provisional voters list, based on the 1991 census, for all the local and national-level elections to be held this year. All citizens of Bosnia and Herzegovina, whether living there or abroad, will be given the opportunity to check whether their names appear on the provisional voters list. If voters' names appear correctly in the municipality in which they have the right and intention to vote in person, they will not need to take any action.

54. There will be a period during which individuals may apply, among other things, to vote by absentee ballot in the municipality in which they were registered in 1991 or to have the right to vote in a different municipality or entity from that in which they were registered in 1991. Such applications will be considered by the Provisional Election Commission in accordance with criteria to be announced at the time of publication of the provisional voters list. At the end of this period, the official voters list will be published.

55. The programme of elections for Bosnia and Herzegovina is extremely ambitious. During the next few weeks, procedures must be established to permit the large number of applications which can be expected for absentee voting or re-registration at other municipalities.

Free and independent media

56. For any election to be free and fair, there has to be equitable access to the media by all registered parties both before and during the election campaign, especially radio and television. Such access is not the case currently in either the Federation or the Republika Srpska press. In close cooperation with OSCE, UNESCO, the Council of Europe, the European Commission and non-governmental organizations active in the media field, my offices in Sarajevo and Brussels are very actively seeking to improve this situation. A working group on free media has been set up under JCC in Sarajevo, and my office in Brussels will convene a round table on 12 March to discuss how best to encourage the development of genuinely independent media in Bosnia and Herzegovina and to coordinate the work of those agencies and organizations involved in the promotion of free media.

Human rights

57. Peace cannot be secured without human and political rights being guaranteed to all the citizens of Bosnia and Herzegovina. I have accordingly made this one of the priorities of my work.

58. The Chairman-in-Office of the Organization for Security and Cooperation in Europe appointed Ms. Gret Haller as the Human Rights Ombudsperson on 21 December 1995. I also report with satisfaction the extensive consultative process led by the Council of Europe regarding the establishment of the Human Rights Chamber, and call upon the parties and the international community to secure adequate funding for the Chamber. The Human Rights Chamber will be set up in accordance with the time-limits laid down in the Peace Agreement.

59. Following the conclusions of the London Peace Implementation Conference, I have established a Human Rights Task Force in both Brussels and Sarajevo to facilitate the exchange of information among intergovernmental and non-governmental organizations active in the field of human rights. A first meeting between such international organizations and agencies was held at Brussels on 26 January. This meeting agreed that the central coordinating role in this area would be given to the Office of the High Representative.

60. In order to coordinate daily human rights monitoring activities and assess the development of the human rights situation in Bosnia and Herzegovina, I am pleased to report that the plans are now under way to establish the Human Rights Coordination Centre (HRCC).

61. I am satisfied that significant progress has been made in developing effective coordination mechanisms among the intergovernmental actors, including the International Tribunal for the Former Yugoslavia, the Centre for Human Rights of the United Nations Secretariat, the United Nations High Commissioner for Human Rights, the United Nations Mission in Bosnia and Herzegovina, the United Nations High Commissioner for Refugees, OSCE, the Council of Europe, the European Community Monitoring Mission, the International Committee of the Red Cross, the Special Rapporteur of the United Nations Commission on Human Rights on the former Yugoslavia, and the United Nations Expert on missing persons, and expect such cooperation to continue.

62. On 22 January in Sarajevo, I met representatives of the International Tribunal for the Former Yugoslavia and agreed on the nature of our future links. While fully respecting the integrity and independence of the Tribunal, the Office of the High Representative within its means and mandate will fully support the Tribunal's important work.

63. I have encouraged both the Federation and Republika Srpska to adopt amnesty laws covering all crimes except war crimes as defined by the International Tribunal for the Former Yugoslavia or crimes unrelated to the conflict. Such laws will help both reconciliation and freedom of movement. One has already been adopted for the Federation and Republika Srpska is in the process of adopting a similar law.

64. It was agreed at the Rome meeting on 18 February that persons, other than those already indicted by the International Tribunal, may be arrested and detained for serious violations of international humanitarian law only pursuant to a previously issued order, warrant, or indictment that has been reviewed and deemed consistent with international legal standards by the International Tribunal for the Former Yugoslavia. Procedures will be developed for expeditious decision by the Tribunal and will be effective immediately upon such actions.

65. The parties must commit themselves in word and deed to the highest level of internationally recognized human rights and fundamental freedoms. I am urging them immediately to secure for all persons within their jurisdiction freedom of movement and residence, the right to fair judicial proceedings, and freedom from any form of discrimination. Compliance with the rights and freedoms provided in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols is necessary in order to achieve a lasting peace in Bosnia and Herzegovina.

Freedom of movement

66. Freedom of movement across the entire territory of Bosnia and Herzegovina is a fundamental part of the Peace Agreement. It is of particular importance to the establishment of cooperation between the Federation and the Republika Srpska, to the return of refugees and displaced persons and to the conduct of election campaigns.

67. My office has firmly upheld the principle of the Peace Agreement that neither the Federation nor the Republika Srpska may establish controls at the boundary between the two entities. Together with the IFOR Commander and the International Police Task Force Commissioner I have acted firmly against any attempt to prevent freedom of movement between the two entities.

Refugees and displaced persons

68. Another key element of the Peace Agreement is the right for refugees and displaced persons to return to their homes. Enabling refugees to return is important for a large number of reasons, including the creation of the conditions that will make the holding of free and fair elections possible.

69. The leading role for implementation of Annex 7 belongs to the Office of the United Nations High Commissioner for Refugees (UNHCR) and my office actively supports the efforts of this agency. On 16 January 1996 the High Commissioner convened a meeting at Geneva of the Humanitarian Issues Working Group of ICFY to discuss the initial strategic planning for return and repatriation, while a more detailed plan of operations for the implementation of Annex 7 to the Peace Agreement was discussed at a high-level working meeting at Oslo on 8 March.

70. The issue of return of displaced persons and refugees is intimately linked to the implementation of other aspects of the Peace Agreement. It is my assessment that a significant proportion of displaced persons and refugees will return voluntarily if, in practice, a secure and safe environment exists, and if adequate shelter and essential services are available or likely to become so

soon. There is thus a very clear link between refugee return and freedom of movement and economic rehabilitation.

71. UNHCR has suggested a phased plan for repatriation of refugees from neighbouring and other host countries providing for three categories of movement. First, the movement of refugees to their own home areas where they constitute the majority today. These would in principle be the easiest movements to carry out, provided that adequate accommodation is available or can rapidly be made available and that absorption capacity is quickly improved. Secondly, the repatriation of refugees who do not wish to return to their former home areas, where they would now be in a minority, and who wish to relocate to new areas within the entity in which they would constitute the majority. The third category, and the most difficult, is the repatriation of refugees wishing to return to their areas of origin where their ethnic group now constitutes a minority.

72. This phased return could be carried out over a two-year period provided that the conditions indicated above are met throughout the period. With more than 60 per cent of all housing units having sustained some damage while some 18 per cent have been completely destroyed, economic revival, rehabilitation and reconstruction will be critical. For the third category of return as suggested by UNHCR, a climate of security and respect for human rights beyond the time covered by the mandate of IFOR is imperative.

73. As far as the establishment of the Commission for displaced persons and refugees is concerned, I have suggested that the International Organization for Migration (IOM) should assume the role of facilitator from now until the first meeting of the Commission. IOM will prepare a working document in which proposals concerning practical and legal aspects of the work of the Commission will be examined. I hope that the Commission will begin its work in Bosnia by 14 March. A first meeting was held at Geneva on 17 February, with participation from my office.

Prisoners of war

74. The release of all prisoners of war is an important part of the Peace Agreement. I am seriously concerned by the unwillingness of the parties fully to comply with their obligations. Prisoners are still being held and their families have yet to receive information about them. The parties must comply urgently with their obligations in the Peace Agreement. In my opinion, the Security Council must be ready to consider the consequences of the parties failing to meet their obligations under the Peace Agreement in this important respect.

Missing persons

75. In consultation with the parties, a Working Group on Missing Persons has been established under the chairmanship of the International Committee of the Red Cross, and held its first meeting in my offices in Sarajevo on 1 March. I attach great importance to the efforts of the Group.

76. In close coordination with the different United Nations agencies, a Working Group on Missing Persons and Exhumation has been created. It is necessary to coordinate the different activities related to the very large number of identified mass grave sites. The Working Group held a preliminary meeting at Brussels on 22 February and was officially established on 1 March.

International Police Task Force

77. In implementation of Annex 11, I worked very closely and continuously with the Special Representative of the Secretary-General and the International Police Task Force Commissioner. IPTF has participated actively at every level of the JCC process since its inception, and its role has been critical and effective. The build-up of IPTF is continuing. I am concerned not only that the numbers requested should arrive in Bosnia and Herzegovina on time, but also that the police monitors committed to IPTF should be of the quality necessary to carry out what are very demanding tasks.

78. I have strongly supported IPTF's right of immediate and complete access to prisoners. The parties have complied slowly and imperfectly. For instance, it took eight days for Federation authorities to provide access to a Republika Srpska General and others detained on suspicion of war crimes, and it took 15 days for the Republika Srpska to provide access to a Bosniac journalist being held by the military on suspicion of espionage. A number of other cases on both sides have been handled in a similarly unsatisfactory manner.

Regional stabilization

79. The Organization for Security and Cooperation in Europe has accepted the request laid down in the Agreement to assist negotiations under its auspices concerning confidence and security-building measures and regional arms control. I am not directly involved in these negotiations. However, I share the view that regional stabilization and arms control must succeed in order to enhance the peace.

80. During the last two months, negotiations have begun in accordance with the commitments undertaken by the parties. On 5 January a protocol on the exchange of Liaison Officers was agreed. Negotiations on confidence and security-building measures ended with an agreement on 26 January. Negotiations related to subregional and regional arms control have begun. In all those forums, in spite of a period of Republika Srpska refusal fully to take part in their work, negotiations on implementation of agreed measures are continuing. During March, compliance of the parties with their commitments will most likely have to be assessed.

Inter-entity boundary and the issue of the Brcko area

81. In the Peace Agreement, provision is made for minor changes to the inter-entity border line by mutual consent and in consultation with the IFOR Commander. A subcommission of the Joint Military Commission is addressing these issues, and has so far held nine meetings. It is important that local irregularities are sorted out in such a way as to avoid friction in the future.

82. The Peace Agreement left unresolved the issue of the area of and around the town of Brcko. It is to be resolved through a process of binding arbitration during this year, with three arbitrators to be nominated by the parties before 14 June. Their decision, which will be final and binding and which the parties have committed themselves to implement without delay, will have to be made before 14 December.

83. The Peace Agreement relates the binding arbitration to "the disputed portion of the Inter-Entity Boundary Line in the Brcko area indicated on the map attached at the Appendix". I have been informed that no such map exists, and when I visited the area on 29 February the parties gave me widely different views on the areas which are to be the subject of arbitration.

84. I will recommend to the parties that they nominate their respective arbitrators well before the 14 June deadline, as well as seek agreement on the third arbitrator.

Constitution of Bosnia and Herzegovina

85. The new constitution of Bosnia and Herzegovina entered into force on 14 December 1995, the day of the signing of the Peace Agreement in Paris. The entities are obliged to amend their respective constitutions to ensure conformity with this constitution within three months of its entry into force, that is by 14 March. At the meeting of the Joint Interim Commission on 24 January the parties confirmed their intention to carry out the necessary changes. At the subsequent JIC meeting on 27 February, they undertook to provide to my office by 9 March their respective proposals for amendments to their constitutions, but they have not done this so far.

Federation issues

86. Though not the object of the Peace Agreement, the Federation is an indispensable building block for its successful implementation. My staff in Sarajevo have devoted considerable time and effort to its preservation and promotion. This work has not been in vain though much remains to be consolidated. There has been some progress in the implementation of the Dayton Federation Agreement of 10 November 1995. My office facilitated the formation of two separate Governments for the Federation and for Bosnia and Herzegovina in a close dialogue with both Federation partners. The Governments were established, though with a delay of 10 days, at the end of January. Other parts of the Federation Agreement have not yet been implemented. With regard to the establishment of united customs and tax systems, for example, there was an agreed programme to end internal customs boundaries and checkpoints within the Federation by 1 March which did not materialize. Recent public statements by officials representing both parts of the Federation prove that a significant level of mutual mistrust is still hampering its consolidation.

87. My office has set up regular informal meetings of high-level Federation partners, including the Federation President, the Vice-President, the Prime Minister of the Federation and his Deputy as well as the Prime Minister of the Bosnia and Herzegovina Government, his Deputy and party representatives. The purpose of these meetings is to address all issues which are of vital importance

to the implementation of the Federation, and to find solutions before these issues become controversial and constitute obstacles to the further implementation process. The first such meeting was held on 15 February, chaired by my Principal Deputy. It prepared the substance for the Joint Statement on the Federation in Rome three days later.

88. The Agreement at Dayton on 2 November 1995 on the return of 600 Bosniac and Bosnian Croat refugee families to four cities in the Federation has not yet been fully carried out. So far, it has been fulfilled in only one city - Travnik. My office has, in close cooperation with UNHCR, succeeded in achieving a breakthrough in Jajce where some people have begun to return. There has been some progress also in Stolac. My office continues to remind the Government in Sarajevo and local authorities in Bugojno of their obligations under the agreement. Full compliance is essential to build confidence between the Bosniac and Croat Federation partners.

89. Overall, however, the state of the Federation and the relations between its key players remain fragile. This has been illustrated by the events in Mostar at the beginning of February which almost led to an early termination of its European Union Administration. The Federation continues to be in need of advice and support. My office is working with the Federation partners, the "Friends of the Federation" as well as other international players, with the aim of achieving some more substantial progress.

4. COOPERATION WITH IFOR

90. Relations with the NATO-led Implementation Force have been extensive and constructive at all levels.

91. I have had regular contacts with the Secretary-General of NATO, Mr. Javier Solana. On 17 January as well as on 13 March I addressed the North Atlantic Council. My Brussels office and my military advisers, led by General de Lapresle, are in frequent contact with the NATO authorities, including SHAPE.

92. In Bosnia, there are frequent contacts with the IFOR Commander as well as the Commander of the Allied Rapid Reaction Corps. Representatives of IFOR and the Corps take an active part in the work of most of the commissions and working groups established by my office. I am represented on the Joint Military Commission. I will in the near future seek to establish regional Joint Civilian Commissions in close cooperation with the IFOR Multinational Divisions and with the help of the United Nations civil affairs structures, UNHCR and the European Union Monitoring Mission.

93. The Commander of IFOR, Admiral Leighton Smith, and I have different responsibilities under the Peace Agreement, but it is our common conviction that close cooperation between us is necessary if the aims of the Peace Agreement are to be realized.

LOOKING FORWARD

94. The first phase of implementation of the Peace Agreement has highlighted the benefits of peace as well as the problems we face.

95. Military implementation has been the decisive factor during this first three-month phase of implementation. Success here has been the prerequisite for all other activities, and I note with satisfaction that the Implementation Force has been able to carry out its tasks as envisaged, and thus has given the necessary support to the more far-reaching, complex and long-range efforts at reconciliation, reintegration and reconstruction.

96. During this first phase, the structures necessary for the support to the different civilian implementation efforts have also been set up. My office has completed its initial start-up period, although we will continue to reinforce our activities during the coming phase, and the other international organizations of importance - notably the Untied Nations Mission in Bosnia and Herzegovina with the International Police Task Force, the OSCE Mission to Bosnia and Herzegovina, the UNHCR special envoy as well as the offices of the World Bank and the European Commission - have also established themselves. All of the Commissions provided for in the Peace Agreement have been set up.

97. If the separation of forces has been done successfully with the help of the Implementation Force, political developments surrounding the transfer of territory provided for in the Peace Agreement have been more troubling. There was widespread destruction in the areas that were transferred from the Federation to the Republika Sprksa in Western Bosnia, and the transition in the Sarajevo area also had to face difficulties with large numbers of refugees as a result. Three months after the Peace Agreement was signed, we must regrettably conclude that the forces of ethnic separation are still far stronger than the forces of ethnic reintegration.

98. The next phase of peace implementation will cover the period until the Rome Review Conference, on 13 and 14 June. Preparations for elections must be completed and agreed, there must be visible signs of the international community living up to its commitment to help with the economic rebuilding of the country and we must see the start of the process of the return of the refugees and the displaced persons. The different Commissions set up under the Peace Agreement must begin their long-term efforts in different areas.

99. In the succeeding third phase, elections must be at the centre of our efforts. I am concerned about right of all political forces to have equal access to the media, especially radio and television. Although there is an obvious risk that the elections will strengthen rather than weaken the forces of ethnic separation, they are of crucial importance in paving the way for the setting up of the common political institutions of the country.

100. The most critical phase of peace implementation this year will be the fourth phase following the elections. After the certification of the election result, the process of setting up the common institutions in accordance with the detailed and complex arrangements of the Constitution must be initiated. This will also be the time when the Implementation Force is terminating its mandate

and the critical issue of the future of the Brcko area must be solved. It is then that we can judge whether Bosnia is heading for partition or reintegration, and whether the peace we have sought will hold.

101. The successes of the past months are obvious. The guns are silent, and life is slowly returning to normality. Soldiers are returning home to their families, and politicians can start to address all the problems of peace in contrast to the problems of war. But I am concerned with developments especially on two points.

102. The first concerns the funds that are and will be available for the different civilian implementation efforts. I have indicated the problems I see in the area of economic reconstruction, but they go wider. All the way across we find significant funding shortfalls. This applies inter alia to the United Nations, to the election preparations by OSCE and a range of other important activities.

103. It is of great importance that funding be addressed by the international community as soon as possible. The different civilian implementation efforts this year will be very much cheaper than the military implementation efforts and they are key to the success of the overall implementation of which the military are just part. The Governments that generously have funded the military implementation efforts must ensure that the investment is not lost at the end of the year by a failure to fund the - less costly - economic, political and humanitarian efforts.

104. My second concern relates to the will of the parties themselves. What is required for peace to last is not only formal compliance with the provisions of the Peace Agreement, but a genuine commitment to reconciliation and to the building of a future in common. Without an active effort at reconciliation and cooperation, there will be distinct limits to what the international community can do.

105. The activities of my Office during the next phase of peace implementation will be concentrated on facilitating the political dialogue and concrete cooperation between the Federation and the Republika Srpska, on improving coordination between the different economic, political and humanitarian implementation efforts, on the mobilizing of the resources that will be necessary and on ensuring the full compliance with all the provisions of the Peace Agreement.

106. No lasting peace can be built without a genuine commitment to reconciliation, but nothing is as difficult after a war as bitter and brutal as the war in Bosnia has been as this. Reconciliation will be passible when there is a common perception that justice for all will be created, and when the energies and efforts of the people of Bosnia and Herzegovina are concentrated less on the legacies of the bitter past than on the promise of a common future.

UNITED
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Security Council

Distr.
GENERAL

S/1996/191
14 March 1996

ORIGINAL: ENGLISH

LETTER DATED 14 MARCH 1996 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

The members of the Security Council have considered your report of 11 March 1996 pursuant to Security Council resolution 1038 (1996) (S/1996/180).

The members of the Security Council note that, in the light of your view that the continued presence of the United Nations Mission of Observers in Prevlaka (UNMOP) will contribute to the decrease of tension there, the mandate of UNMOP will continue in accordance with paragraph 1 of resolution 1038 (1996).

The members of the Security Council request you to submit a further report on the issues referred to in paragraph 2 of resolution 1038 (1996), in good time before the expiration of the current mandate.

(Signed) Legwaila Joseph LEGWAILA
President of the Security Council

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Security Council

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S/1996/192
14 March 1996

ORIGINAL: ENGLISH

REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE ALTERNATE REPRESENTATIVES OF POLAND ON THE SECURITY COUNCIL

1. Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 12 March 1996 from the Minister for Foreign Affairs of Poland, stating that Mr. Zbigniew Szlek, Mr. Jakub Skiba and Ms. Aleksandra Gospodarczyk have been appointed Alternate Representatives of Poland on the Security Council.

2. In the opinion of the Secretary-General, these credentials are in order.

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UNITED NATIONS **S**

Security Council

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S/1996/193
14 March 1996

ORIGINAL: ENGLISH

LETTER DATED 14 MARCH 1996 FROM THE PERMANENT REPRESENTATIVE OF TAJIKISTAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith the text of the resolution "On the progress of Inter-Tajik talks for national reconciliation under the aegis of the United Nations", adopted by Majlisi Oli (Parliament) of the Republic of Tajikistan on 11 March 1996.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Rashid ALIMOV
Ambassador
Permanent Representative

96-06244 (E) 140396 140396 150396

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Annex

[Original: Russian]

Resolution of the Majlisi Oli (Parliament) of the Republic of Tajikistan on the progress of inter-Tajik talks for national reconciliation under the aegis of the United Nations

The Majlisi Oli (Parliament) of the Republic of Tajikistan, having considered the information provided by the head of the governmental delegation of the Republic of Tajikistan to the inter-Tajik talks and by the Minister for Foreign Affairs of the Republic of Tajikistan, Mr. T. Nazarov, since the start of the negotiating process, notes that:

The inter-Tajik talks which began nearly two years ago with the mediation of the United Nations have been an important step towards the settlement of major political problems;

In the context of these talks the most acceptable means of restoring peace in the Republic and of bringing the positions closer together have been reviewed and initial bilateral results have been obtained; these have received the support of the country and have been approved by the world community;

However, in the process of settling the major issues that were being reviewed, certain difficulties have appeared which are not accidental and which reflect the real position and the political situation of the Republic;

In view of the facts, without losing hope of restoring national understanding, and expressing the Government's determination to ensure the return of the refugees to Tajikistan and to pursue the negotiations with a view to restoring peace in the Republic, the Majlisi Oli (Parliament) of the Republic of Tajikistan:

1. Decides to take note of the information concerning the activities of the governmental delegation of Tajikistan to the inter-Tajik talks.

2. Requests the governmental delegation to continue the talks until national understanding and peace are definitively restored, and to present a proposal aimed at continuing the talks on the territory of the Republic of Tajikistan.

3. Supports the position adopted during the talks by the governmental delegation with regard to the convening of a consultative forum of the people of Tajikistan in accordance with the Protocol signed on 17 August 1995 by Mr. E. C. Rakhmonov, President of the Republic of Tajikistan, and Mr. C. Nuri, leader of the Tajik opposition.

4. Requests the Government of the Republic of Tajikistan:

To establish, with a view to providing the delegation with specialized advisory services, a group of consultants consisting of experts, jurists,

politicians and eminent persons of the Republic, and to continue the radio and television broadcasts on the topic of national reconciliation;

To study the issue of taking a census of the population of the Republic, with the material support of the United Nations, and to submit a proposal to it on the subject;

In order to ensure effective monitoring of the implementation of the terms of the cease-fire, to submit to the United Nations a proposal for the establishment of monitoring posts and joint observation committees in the regions of Afghanistan situated on the Tajik border, in which armed groups of the Tajik opposition are concentrated.

President of the Majlisi Oli of the
Republic of Tajikistan

S. Radjabov

Dushanbe, 11 March 1996
No. 276

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General Assembly
Security Council

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S/1996/194
14 March 1996

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GENERAL ASSEMBLY
Fifty-first session
Item 113 (c) of the preliminary list*
HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

SECURITY COUNCIL
Fifty-first year

Letter dated 13 March 1996 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General

On 1 March 1996, the House of Representatives of the Croatian Parliament adopted a Declaration stating that the issue of missing and imprisoned persons and persons taken away by force is a political issue of primary importance for the Republic of Croatia. A copy of the Declaration is provided in the annex to the present letter. The status of these persons, especially those who disappeared in 1991, has not been clarified and continues to be a matter of utmost concern for the Republic of Croatia, and especially for the families of these persons.

The Foreign Ministers of the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) signed an Agreement on Cooperation in the Search for Missing Persons. However this has not achieved any meaningful results, largely owing to the intransigence of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro). It is because of this lack of progress that the Croatian Parliament has asked that a direct appeal be made to you to help effectuate measures designed to make known the fate of the missing and imprisoned persons and persons taken away by force in the Republic of Croatia. Despite improvements in relations between the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), bilateral discussions alone on the subject of missing persons have not borne fruit and a multilateral approach is, therefore, necessary to resolve this problem.

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* A/51/50.

Discovering the fate of these persons is critical in the implementation of the Dayton peace agreement, and especially to the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium in the Republic of Croatia. In this specific region, ensuring protection of mass grave sites, such as the one at Ovcara, and beginning the process of exhumation, would be helpful.

Another measure which would facilitate the search for missing persons in Croatia consists of establishing a regional centre for this purpose in Vukovar. Furthermore, the proposal by the expert member of the Working Group on Enforced or Involuntary Disappearances responsible for the special process dealing with the problem of missing persons in the territory of the former Yugoslavia, Mr. Manfred Nowak, that a multilateral commission be established to speed up the exchange of information on missing persons, would also be of great assistance.

In conclusion, it is necessary to discover the fate of the missing persons in the Republic of Croatia not only in order to alleviate the suffering of their families and loved ones, but also to contribute to the process of peace in the Republic of Croatia and in the entire region.

I would be grateful for your kind assistance in circulating the text of the present letter and its annex as a document of the General Assembly under item 113 (c) of the preliminary list, and of the Security Council.

(Signed) Mario NOBILO
Ambassador
Permanent Representative

ANNEX

Declaration adopted by the House of Representatives of the Croatian Parliament at its session of 1 March 1996, after the discussion of 28 February 1996 on the Croatian Government's report on the search for Croatian soldiers and civilians missing, taken away by force or imprisoned, conducted in 1994 and 1995

The issue of missing and imprisoned persons and persons taken away by force is the most painful humanitarian and the most important political issue in the Republic of Croatia. Since the onset of the Serbian aggression against Croatia, there have been 2,792 missing persons of whose fate nothing is known. Most of them disappeared during the barbarous destruction and occupation of Vukovar.

Despite great efforts by the Croatian Government, the Government's Commission for Imprisoned and Missing Persons and the associations of families of persons missing, imprisoned and taken away by force, the fate of these persons, particularly those who disappeared in 1991, has not yet been clarified. Many members of these families have fallen seriously ill, and the insecurity is directly damaging their health. This is the reason why the search for persons taken away by force and the clarification of the fate of missing persons was an issue of utmost concern for the Croatian delegation during the negotiations in Dayton and during the search for an overall peaceful solution for the former Yugoslavia. It has also been raised during numerous bilateral talks.

These efforts have resulted in the signing of the Agreement on Cooperation in the Search for Missing Persons by the Foreign Ministers of the Republic of Croatia and the so-called Federal Republic of Yugoslavia. However, despite its clear commitment within this Agreement, the Serbian side has not done anything to fulfil it.

The Croatian Parliament recalls that the Serbian side keeps suspending negotiations on the exchange of prisoners and missing persons in order to exert political pressure and, by refusing to admit the presence of prisoners in prisons under its control, obstructs the process of prisoner exchange and opposes the main principles of the Dayton peace agreement. In order to solve this problem, support by the entire international community is necessary. The Croatian Parliament requested from the Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) to make the issue of imprisoned and missing persons of the utmost priority in the implementation of the UNTAES mandate and suggested that a regional centre for the protection of human rights of persons imprisoned, missing and taken away by force - "Vukavarske majke" ("Vukovar Mothers") - be established in Vukovar. The Croatian Parliament supports the proposal of the United Nations special envoy for missing persons, Mr. Manfred Nowak, to establish a multilateral commission to speed up the exchange of information on missing persons.

It is the position of the Republic of Croatia that all future negotiations with the so-called Federal Republic of Yugoslavia must primarily resolve the issue of persons who disappeared or were imprisoned during the recent war in the

Republic of Croatia. Without a solution to that issue the peace process for the former Yugoslavia is not possible.

The Croatian Parliament commits the Ministry of Foreign Affairs of the Republic of Croatia to approach the Secretary-General of the United Nations once again and ask for assistance in solving the biggest humanitarian problem in the Republic of Croatia. When adopting a document on the human rights situation in Croatia, the United Nations should bear in mind and express an opinion on the human rights of persons who disappeared during the aggression against Croatia and of thousands of people who are still searching for the truth as to their dearest.

The Croatian Parliament commits the Government to mark appropriately the sites of mass graves and the sites where bodies of Croatian soldiers and civilians were exhumed. It is essential to secure additional teams to identify the remains, and therefore the Parliament requests the provision of additional funds for the work of the Government's Commission for Imprisoned and Missing Persons. A representative of the Parliament should also participate in the work of the Commission. For the purpose of better public information, the Parliament commits the Government to inform the Parliament on the work of the Government's Commission within three months.

The Parliament of the Republic of Croatia calls upon the United Nations and all its human rights organizations, as well as the parliaments of all democratic countries, to raise their voices in the name of humanism and international humanitarian law for the protection of these people, whose fate is unknown, and to exert further pressure upon the so-called Federal Republic of Yugoslavia to cooperate in solving these issues.

House of Representatives of the
Parliament of the Republic of Croatia

Chairman of the House of
Representatives

Vlatko PAVLETIĆ